



JPW

Attorney Docket No.: 61352-119
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	
Tohru SAITOH, et al.	:	Customer No. 53080
Application No.: 10/564,085	:	Confirmation No.: 7298
Filed: August 16, 2006	:	Group Art Unit: 2811
	:	Examiner: MEIYA LI
For: HETEROJUNCTION BIPOLAR TRANSISTOR AND METHOD FOR MANUFACTURING SAME	:	

ELECTION UNDER 35 U.S.C. § 121

Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed
March 18, 2009, having a shortened statutory period for response set to expire
April 18, 2009, wherein the Examiner required restriction between the following distinct
Species:

Species I(a): -	Figs. 1 and 2;
Species I(b): -	Figs. 15 and 16;
Species II(a): -	Figs. 4-14; and
Species II(b): -	Figs. 18-22.

Applicants elect Species I(a), with claims 1-4, 7 and 8 readable thereon, for initial
prosecution on the merits. Applicants also reserve the right to file a Divisional

Application for the non-elected claims which the Examiner has indicated are patentably distinct.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417.


Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: _____

4/17/08

By: _____


Michael E. Fogarty
Registration No.: 36,139

600 13th Street, N.W., Suite 1200
Washington, D.C. 20005-3096
Telephone: 202 756 8000
Facsimile: 202 756 8087